



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

George Allen  
Governor

5636 Southern Boulevard  
Virginia Beach, Virginia 23462  
Fax (757) 518-2103  
<http://www.deq.state.va.us>

Thomas L. Hopkins  
Director

Becky Norton Dunlop  
Secretary of Natural Resources

Francis L. Daniel  
Tidewater Regional Director  
(757) 518-2000

### NOTICE OF VIOLATION

February 4, 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Sonny Malbon  
Oceana Salvage  
1040 Oceana Boulevard  
Virginia Beach, Virginia 23454

**Re: RI-002576, Oceana Salvage, Virginia Beach**

Dear Mr. Malbon:

On June 4, 1993, Department of Environmental Quality (Formerly the Department of Waste Management), Tidewater Regional Office, staff conducted an inspection at Oceana Salvage Yard. Staff observed batteries and casings scattered throughout property owned by the US Navy. This condition is an apparent violation of Solid Waste Law and regulations, VA Code §10.1-1408.1 and 9 VAC 20-80 et seq.

Since the waste was stored on site prior to 1980, the facility was classified as an unpermitted solid waste management facility. However, due to the waste being moved from the original location to another section of the Navy property and stored for greater than ninety days, you have created an unauthorized waste pile and operated a hazardous waste storage facility without a permit. These conditions appear to be in violation of the Hazardous Waste Law and regulations, VA Code 10.1-1426 and 9 VAC 20-60 et seq.

These violations in addition to those noted in Letters of Admonition issued during the preceding three years to Oceana Salvage indicate a significant and continuing pattern of noncompliance which needs to be addressed. DEQ is reviewing these violations to determine whether enforcement action is

Mr. Malbon  
RI-002576  
January 31, 1997

necessary. Please advise this office within 10 calendar days if this information is incorrect, or if there is other information that DEQ should consider. State law requires, and it is in your best interest, that you abate any violations as promptly as possible.

Section 10.1-1455 of the Virginia Waste Management Act authorizes civil penalties [civil charges] of up to \$25,000 per day for violations. Each listed violation may constitute a separate violation for which penalties or other enforcement action could be sought.

This Notice of Violation is not an agency proceeding or determination which may be considered a case decision under the Virginia Administrative Process Act, Va. Code § 9-6.14:1 et seq. It does advise you that the facts stated in this Notice of Violation could provide a basis for civil proceedings for non-compliance under § 10.1-1455 of the VA Code. Your point of contact for resolution of these violations will be Maria Nold at (757) 518-2173. Please contact her within 14 days of receipt of this letter to arrange a meeting to discuss resolution of these violations. During this meeting, all aspects of the situation will be discussed. You may be asked to enter into a Consent Order with the Department to formalize your plan and schedule of corrective action and settle outstanding violations including the payment of civil charges.

Sincerely,



Kerita L. Kegler  
Analytical Chemist Senior

cc: Mr. Will Bullard, NAS Oceana Engineering  
Mr. Keith Miller, EnviroSolutions  
Ms. Maria Nold, DEQ